

**REPORT - PLANNING COMMISSION MEETING
May 22, 2003**

Project Name and Number: CENTRAL PARK KNOLL GPA (PLN2003-00208)

Applicant: City of Fremont

Proposal: To consider a General Plan Amendment to change the land use designation from Public Facility and Civic Center to Institutional Open Space; a rezoning of the site from P-F Public Facility to O-S Open Space District; and a General Plan conformity finding for parkland acquisition of the civic center area as part of Central Park.

Recommended Action: Recommend to City Council.

Location: 39700 Civic Center Drive in the Central Planning Area.

APN: 525-882-2; 525-882-3-2; 525-882-6; 525-882-7; 525-1-19

Area: 13.14 acres

Owner: City of Fremont

Agent of Applicant: Kelly McAdoo, City of Fremont

Environmental Review: An Initial Study and Draft Mitigated Negative Declaration have been prepared and circulated for this project.

Existing General Plan: Public Facility; Civic Center; Foot - Bicycle Trail

Existing Zoning: Public Facility District; Public Facility (Flood Combining) District

Existing Land Use: Former City Government Building, Police Building, Main Library, Tri-City Animal Shelter, and various parking lots and trails

Public Hearing Notice: Public hearing notification is applicable. 721 notices were mailed to owners and occupants of property within a minimum radius of 300 feet from the site on the following streets: Barrymore Common, Albany Common, Stevenson Boulevard, Civic Center Drive, and Paseo Padre Parkway. The notices to owners and occupants were mailed on May 12, 2003. A Public Hearing Notice was delivered to The Argus newspaper on May 7, 2003 to be published by May 12, 2003. A display ad was also published in the The Argus newspaper on May 12, 2003.

Executive Summary: On September 24, 2002, the City Council authorized staff to proceed with the steps necessary to convert the former Civic Center parcel into parkland. The steps include designation of a portion of the former Civic Center Parcel as parkland and creation of two parcels with General Plan designations of Public Facility for the (1) Fremont Police Building and Tri-City Animal Shelter, and (2) the Fremont Main Library/Alameda County Library Administration Building. This report addresses a finding for General Plan conformity for parkland replacement and a General Plan amendment and rezoning of part of the area now designated as Public Facility to Institutional Open Space.

Background and Previous Actions: The City Government Building (CGB) is located on 15.32 acres of land that was deeded to the City in 1962. The deed restricted the parcel's use to "Civic Center". However, the deed restriction expired after 30 years, in 1992, pursuant to California Civil Code Section 885.030. Therefore, the deed restriction for use as "Civic Center" is no longer in effect. With the construction of Stevenson Boulevard, 0.38 of this parcel was incorporated into the street right of way resulting in a net civic center parcel size of 14.94 acres.

On September 24, 2002, the City Council authorized staff to proceed with the steps necessary to convert the former civic center parcel to parkland. This action followed a previous decision by the City Council to demolish the CGB due to seismic concerns and to develop a park facility on the former civic center parcel. The conversion of the former civic center parcel into parkland would replace parkland lost due to the development of the Police Building, Tri-City Animal Shelter, and the Main Library on Central Park land. The Council action also included direction to reconfigure parcels to completely compensate for the park area lost due to the development of those non-park facilities. The first new parcel includes the Fremont Police Building and Tri-City Animal Shelter and the second new parcel includes the Fremont Main Library/Alameda County Library Administration Building ("the Main Library") and surrounding parking lots.

Project Description: The Planning Commission is being asked to recommend a finding of General Plan conformity for parkland acquisition to the City Council. The State Government Code (Section 65402) requires a municipality acquiring real property for the dedication as parkland to find that the acquisition is in conformance with its adopted General Plan. The Planning Commission must first make a recommendation to the City Council as to the proposed project's consistency with applicable land use plan, policies, or regulations of the General Plan. Based upon that recommendation, the City Council will make a decision on the acquisition or dedication of the property for parkland. A General Plan amendment and rezoning of part of the area now designated as Public Facility to Institutional Open Space is also before Planning Commission.

There are other elements of the conversion of the former civic center parcel to parkland project that require review and approval from the Recreation Commission and City Council. The following is a generally sequential list of the different elements and the review process:

- Environmental analysis (Planning Commission and City Council)
- Assessment of the site according to the "Criteria for Park Site Selection" in the General Plan (Recreation Commission and City Council);
- Findings, as required by the State of California's *Public Park Preservation Act of 1971*, to designate the land as park land (Recreation Commission and City Council);
- Finding of General Plan conformity (Planning Commission and City Council);
- General Plan amendment and rezoning (Planning Commission and City Council);
- Parcel Map, Grading Plan and Street Vacation (City Council);
- Conversion of 13.14 acres of the former civic center parcel to parkland, resulting in the satisfaction of the obligation to replace parkland (City Council);
- Demolition of the City Government Building (City Council);
- Rehabilitation of the City Government Building site/Central Park Knoll (City Council)

The City Council is tentatively scheduled to receive the recommendations of the Planning Commission and Recreation Commission on June 3, 2003. The General Plan amendment and rezoning hearing may be held at a later date when General Plan hearings are scheduled. The demolition of the City Government Building is tentatively scheduled to begin in Fall 2003. Staff is preparing the preliminary design of the demolition and anticipates a bid opening in late summer or early Fall 2003.

The final component of this project is the interim rehabilitation of the site following building demolition with complete development of a park facility postponed until funds become available for development, operations and maintenance. The preliminary rehabilitation plan will provide visual appeal, erosion and dust control, and require minimal maintenance effort. Existing parking lots and the majority of existing walkways in the area will remain. The site will be graded to a westerly

facing slope of less than 5% and landscaped with groundcover. Staff proposes to include the final design and completion of this reconstruction with the demolition bid. Permanent development of the site at a later date will be a separate project and require additional design and environmental review at that time.

Parkland Acquisition: The State of California Public Park Preservation Act of 1971 (California Public Resources Code, Chapter 2.5, Section 5400 et seq.) specifies that any land in use as a public park cannot be acquired for non-park purposes without payment of sufficient compensation, or land, or both, to enable the replacement of the land lost to park use. Because the Police Building, Animal Shelter and Alameda County Library Administration portion of the Main Library are non-park uses, the City must either replace the lost parkland or set aside funds to acquire replacement parkland. The City is proposing to replace the lost parkland through the conversion of 13.14 acres of the former civic center parcel to parkland, thereby satisfying the City's obligation for parkland replacement.

At the time of the Police Building construction, the City set aside a portion of the bond proceeds for acquisition of replacement parkland. Once the parkland is replaced through this transaction, the Police Building Parkland Replacement fund will revert back to bond proceeds to be used for other capital projects, in accordance with the bond documents. As bond proceeds, the money currently held in the Police Building Parkland Replacement fund (with an estimated fund balance of \$4,219,628 as of 6/30/03) can be used for the demolition of the CGB and rehabilitation of the site, and for other capital projects as specified in the proposed 2003/04-2007/08 Capital Improvement Program/Integrated Capital Assets Plan (CIP/ICAP).

General Plan Conformance: The Planning Commission is being asked to recommend a finding of General Plan conformity for parkland replacement of 13.14 acres of the former civic center parcel. The site provides an opportunity for the City to replace Central Park land lost to several non-park functions. The site includes amenities, such as parking lots, view corridors and pathways, which are beneficial for Central Park users. The proposed General Plan amendment will change the land use designation from Public Facility and Civic Center to Institutional Open Space as indicated on Exhibit "A". The designation is consistent with the General Plan for Central Park and other city parks.

The proposed General Plan amendment removes the "Civic Center" from the area. Currently, the official City Hall is located at 3300 Capitol Avenue. Additionally, the City has purchased another property on Capitol Avenue for future construction of a new City Hall building more centrally located in the downtown area. The proposed amendment also designates some of the area outside of the former civic center parcel as Institutional Open Space consistent with the existing Central Park uses. An area fronting on Paseo Padre Parkway, southeasterly of the Main Library, will remain designated Public Facility. This area is currently vacant but is the location of a previously approved Cultural Arts Center.

The project implements the following goals and policies of the General Plan:

- **Fundamental Goal F-8: A Diversity of Residential, Recreational, Cultural, Employment and Shopping Opportunities**
- **Fundamental Goal F-10: Public Services Responsibly Managed and Equitably Distributed throughout the City of Fremont**
- **Fundamental Goal F-12: Parks, Recreational Facilities and Opportunities**
- **Parks and Recreation Goal 1: Parks and recreation facilities to meet the community's needs**

Policy PR.1.1.2: *The City's standard for acquisition and development of parkland shall be five (5) acres per one thousand (1,000) population.*

- **Parks and Recreation Goal 2: Park lands and recreation facilities to reflect Fremont's image and identity**

Policy PR2.1.2: *Acquire and develop new parklands and recreation facilities consistent with the Parks and Recreation Master Plan.*

Zoning Regulations: The property is currently zoned Public Facility District and Public Facility (Flood Combining) District. The rezoning will change the designation of the portions of the project site from P-F, Public Facility to O-S, Open Space and from P-F(F), Public Facility (Flood Combining) to O-S, Open Space (Flood Combining). The Open Space Zoning District is in conformance with the proposed General Plan amendment. Public parks are permitted uses in both Public Facility and Open Space Districts.

Recreation Commission action: The Recreation Commission held a public hearing on May 7, 2003 and found the 13.14 acre portion of the former Civic Center parcel to be in conformance with the "Criteria for Selection of Park Sites" in the General Plan. Recreation Commission also made findings that pursuant to the Public Park Preservation of Act of 1971, that the replacement park land is: (1) of comparable characteristics to, (2) of substantially equal size to, and (3) located in an area which would allow for use by generally the same persons and recommended City Council accept the 13.14 acres of Replacement Park Land as City-owned parkland.

Environmental Analysis: An Initial Study and Draft Mitigated Negative Declaration, has been prepared for this project. The environmental analysis identified concerns regarding potential impacts to Hazards and Hazardous Material, Cultural Resources, Noise, and Air Quality. The Draft Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures will be included as a Mitigation Monitoring Plan. A more detailed description of the potential impacts and mitigation measures are provided within the Initial Study for the project, which is included as an enclosure.

The initial study conducted for the project has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval by the City Council, as required by Public Resources Code section 21089 (see attachment to draft Negative Declaration). The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

A finding is proposed that this project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures. Accordingly, a Draft Mitigated Negative Declaration has been prepared for consideration by the Planning Commission.

Enclosures: Initial Study and Mitigated Negative Declaration

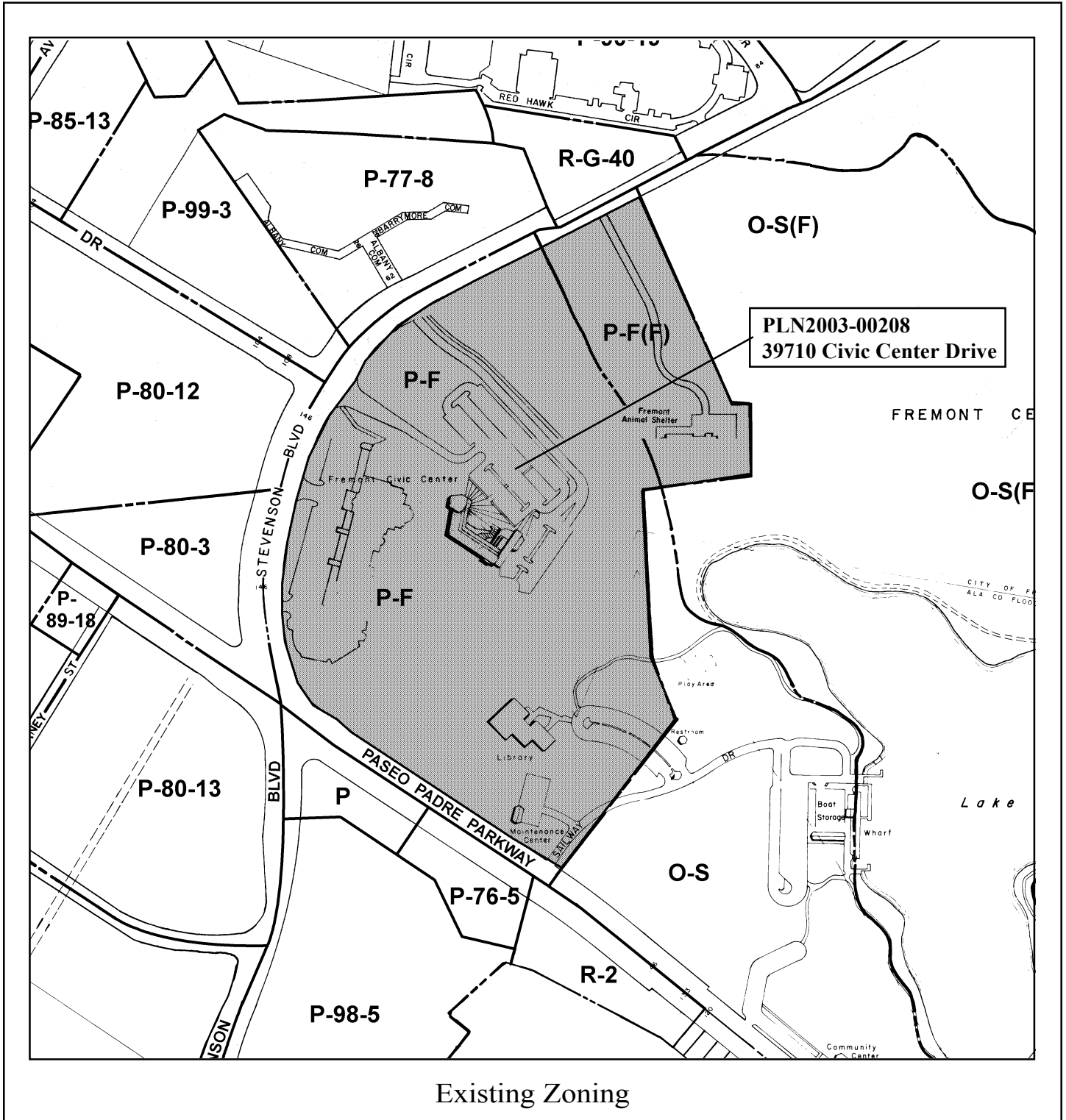
Exhibits: Exhibit "A" (General Plan Amendment)
Exhibit "B" (Rezoning)
Exhibit "C" (Parkland Acquisition Area)

Recommended Actions:

1. Hold public hearing.
2. Recommend that the City Council find the initial study conducted for PLN2003-00208 has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Recommend City Council approve Draft Mitigated Negative Declaration for PLN2003-00208 and find it reflects the independent judgment of the City of Fremont.
4. Find the 13.14 acre portion of the former Civic Center parcel (Exhibit "C") is in conformance with the Park and Recreation Chapter of the General Plan. The site represents an important opportunity for the City to acquire replacement land for a public park use.

5. Recommend that the City Council approve the General Plan Conformity Finding that PLN2003-00208 per Exhibit "C" is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan as enumerated within the staff report.
6. Recommend that the City Council approve General Plan amendment per Exhibit "A".
7. Recommend that the City Council approve Rezoning per Exhibit "B".

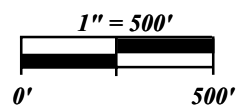
INFORMATIONAL



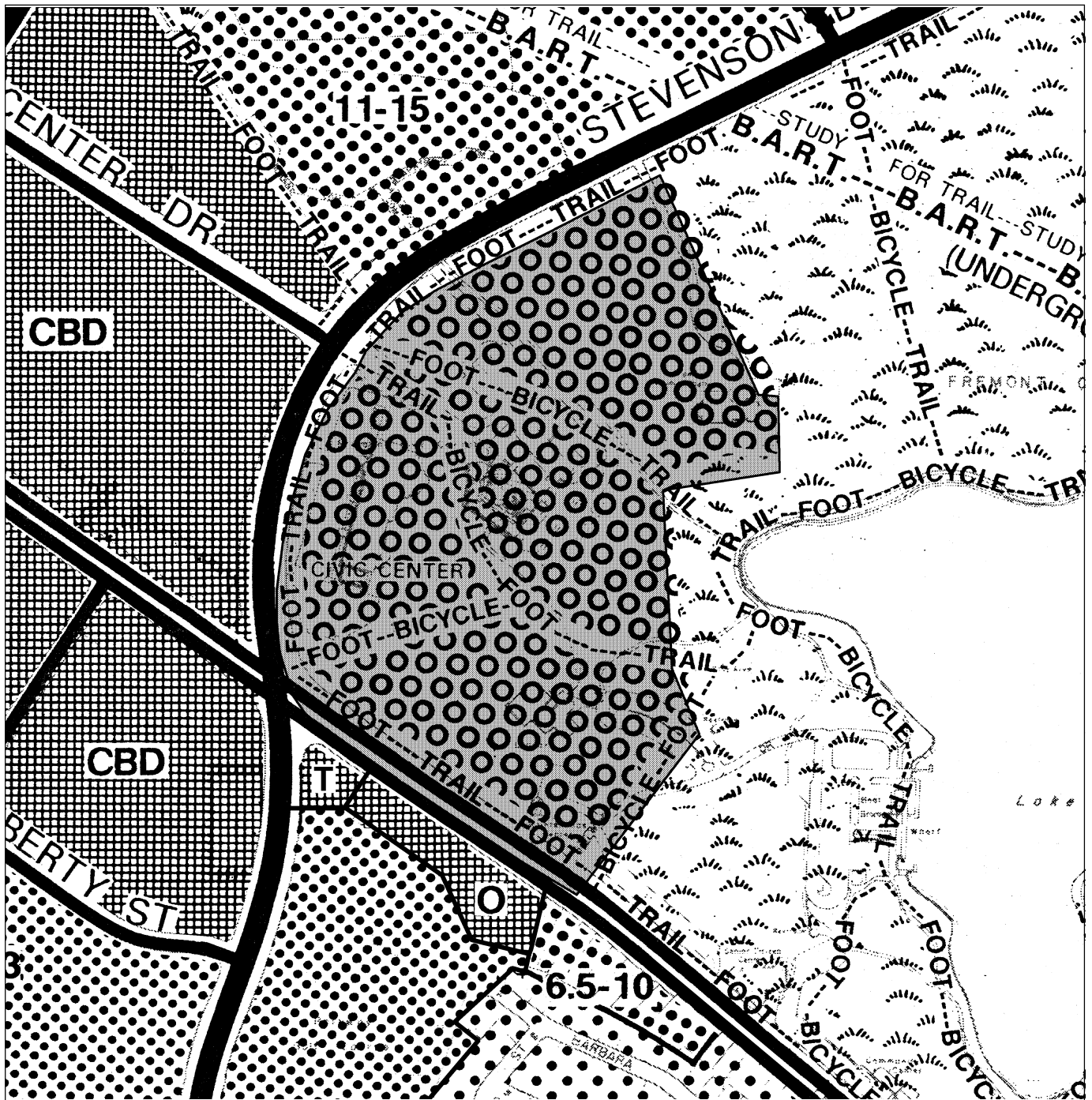
Project Number: PLN2003-00208 (GPA, REZONING)
Project Name: Central Park Knoll
Project Description: To consider a General Plan Amendment and Rezoning of former civic center area from Public Facility to Open Space.



Note: Prior arrangements for access are not required for this site.



INFORMATIONAL



Existing General Plan

Project Number: PLN2003-00208 (GPA, REZONING)
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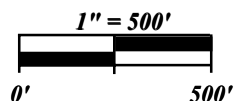


EXHIBIT "A"

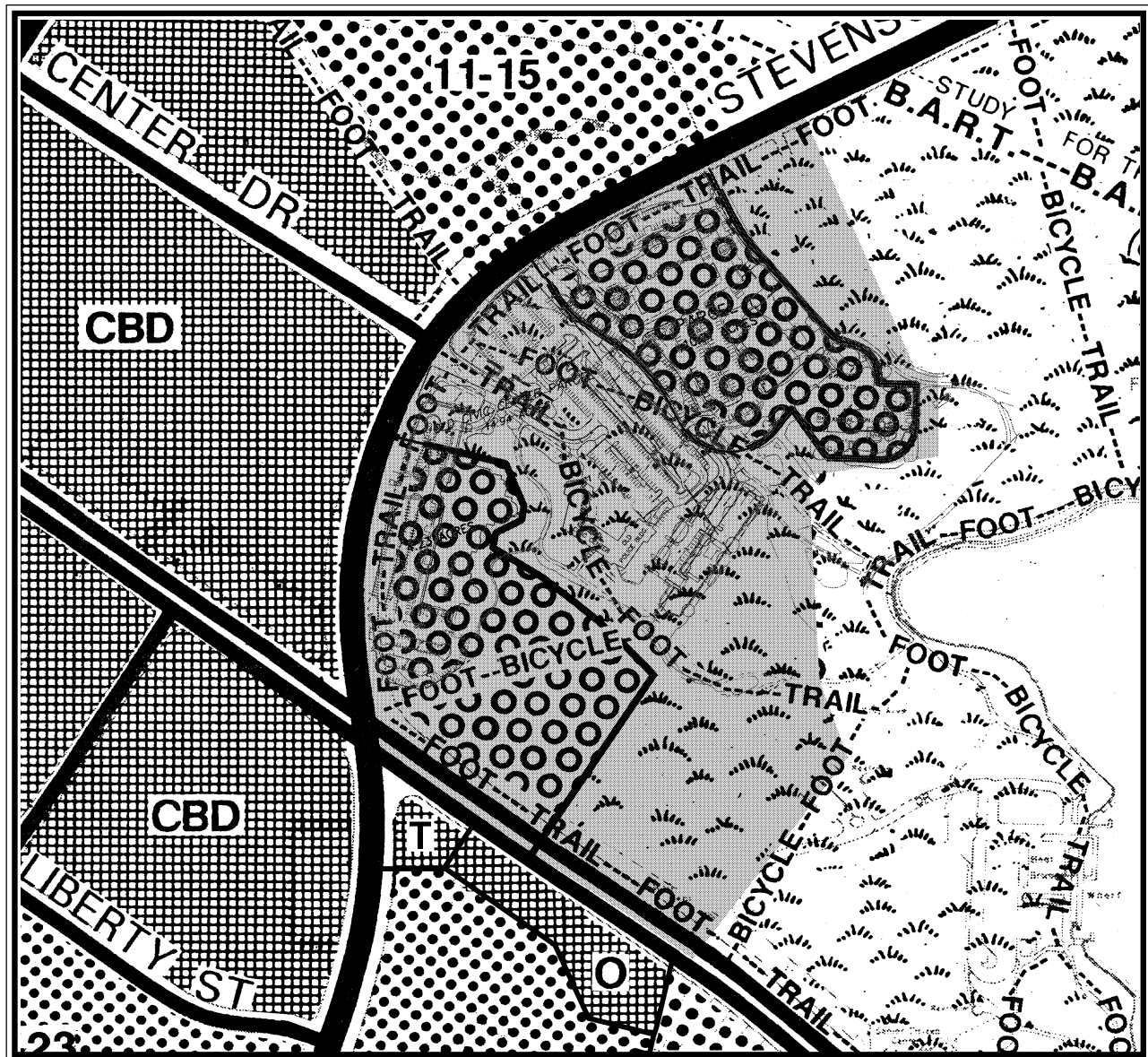
Attached to and made a part of

Resolution No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **2003**.

GENERAL PLAN LAND USE DIAGRAM (SECTION) CITY OF FREMONT, CALIFORNIA



From: Public Facility, Foot-Bicycle Trail

To: Public Facility, Foot-Bicycle Trail and Institutional Open Space, Foot-Bicycle Trail

[pc 05-22-03] 72-384



**AFFECTS THE LAND USE DIAGRAM
FOR THE CENTRAL PLANNING AREA**

Associated files:

PLN2003-00208 (GPA)

EXHIBIT "B"

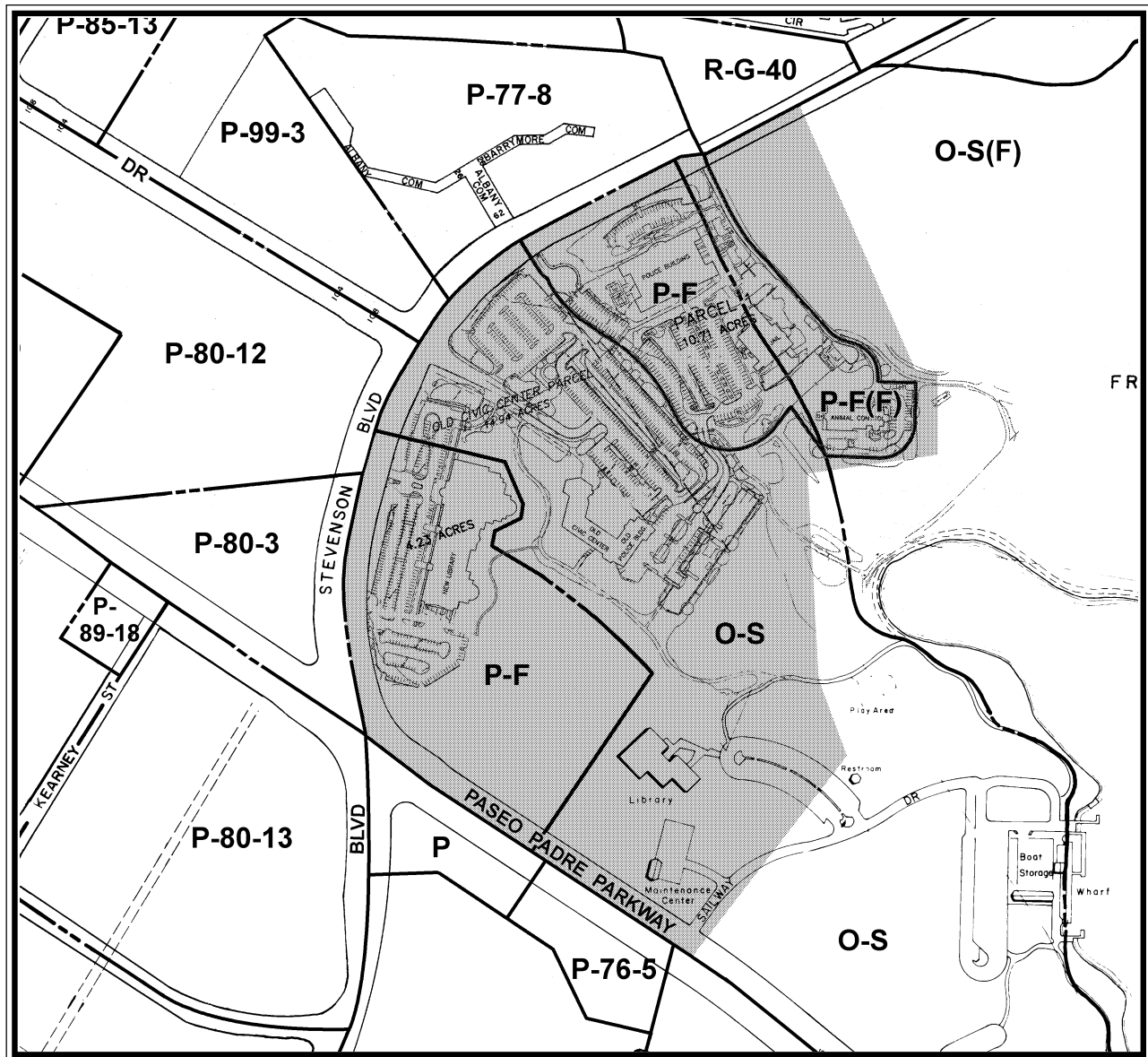
Attached to and made a part of

Ordinance No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **2003**.

ZONING MAP (SECTION) CITY OF FREMONT, CALIFORNIA



From: P-F, P-F(F)

To: P-F, P-F(F), and O-S, O-S(F)

[pc 05-22-03] 72-384



**AFFECTS ZONING MAP(S)
FOR THE CENTRAL PLANNING AREA**

Associated files:

PLN2003-00208 (PD)